

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

TRAVIS DWAYNE CONISH,

Plaintiff,

v.

BUSH ADMINISTRATION 2008, et al.,

Defendants.

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Civil Action No. **3:09-CV-1129-L**

ORDER

Before the court are the Findings and Recommendation of the United States Magistrate Judge, filed August 25, 2009. Plaintiff did not file objections.

Plaintiff is proceeding *pro se* and *in forma pauperis*. He filed this action against the “Bush Administration 2008” and the “Obama Administration 2009.” On June 22, 2009, the magistrate judge sent a questionnaire to Plaintiff seeking additional information about his claims and warning him that “[f]ailure to file answers to the Questions may result in the dismissal of the complaint for failure to prosecute pursuant to Fed. R. Civ. P. 41(b).” Mag. J.’s Questionnaire to the Pl. 1 (June 22, 2009). No answers were filed. On July 22, 2009, the questionnaire was mailed again to Plaintiff, and the magistrate judge warned Plaintiff:

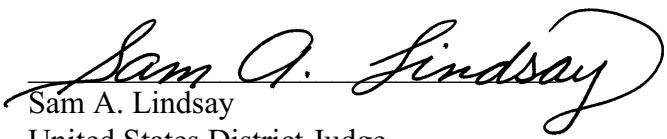
[I]t is **ORDERED** that the plaintiff is required to **accurately and adequately complete the Court’s questionnaire within twenty (20) days of the date of this order. Plaintiff is admonished that failure to comply with this order may result in the imposition of sanctions, including dismissal of the action for want of prosecution.**

Order 1 (July 22, 2009) (original emphasis). No answers were filed. The magistrate judge notes that Plaintiff has filed fifteen different lawsuits in this district over the last two years, and thirteen were dismissed for want of prosecution or for failure to comply with a court order. Plaintiff has also filed

nine other lawsuits in Texas and Arizona, and five were dismissed for failure to comply with court orders. The magistrate judge concluded that Plaintiff “has engaged in a pattern and practice of intentionally refusing to comply with court orders” and found a “clear record of contumacious conduct.” Report 4. He therefore recommends dismissing Plaintiff’s claims with prejudice pursuant to 28 U.S.C. § 1915(e)(2) and warning Plaintiff that future lawsuits dismissed as frivolous, for failure to prosecute, or for failure to comply with a court order may result in sanctions.

Having reviewed the pleadings, file, and record in this case, and the findings and conclusions of the magistrate judge, the court determines that the findings and conclusions are correct. The magistrate judge’s findings and conclusions are therefore **accepted in part** as those of the court. The court agrees that dismissal with prejudice is appropriate, but the court dismisses this action pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for failing to comply with the two court orders rather than 28 U.S.C. § 1915(e)(2). The court therefore **dismisses** this action **with prejudice** pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for failing to comply with court orders and for Plaintiff’s record of contumacious conduct. *The court hereby warns Plaintiff that any future lawsuits filed by him that are dismissed as frivolous, for failure to prosecute, or for failure to comply with a court order may result in the imposition of sanctions. Such sanctions may include an order barring Plaintiff from filing any civil actions without paying the required filing fee or obtaining prior authorization from the court.*

It is so ordered this 22nd day of September, 2009.


Sam A. Lindsay
United States District Judge